IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 34305 of 2006(H)

PETITIONER:

CITICORP FINANCE (INDIA) LTD.,
CHIRAMEL CHAMBERS, KURISUPALLY ROAD,
RAVIPURAM, ERNAKULAM-683 015,
REPRESENTED BY THEIR AUTHORISED SIGNATORY,
S.HARIHARAN.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:
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1. REGIONAL TRANSPORT OFFICER
(THE REGISTERING AUTHORITY), REGIONAL TRANSPORT
OFFICE, IRINJALAKUDA.

2. P.K.PARAMESWARA SHARMA,
`SARVESHAM', WEST NADA, IRINJALAKUDA-680 121.

3. K.S.JOSEPH, KANNIAMKUNNIL HOUSE,
27/566, ANJALI LANE, PALLIPPURAM P.O.,
PALAKKAD.

BY ADV. SRI.C.B.SREEKUMAR --R2
SRI.G.SHRIKUMAR --R3
SRI.SREEJITH S.NAIR
GOVERNMENT PLEADER SMT. PUSHPALATHA M.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 34305/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE FORM NO. 36 APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE R1 DT. 12/4/2006.

EXT.P2. COPY OF THE RECEIPT ISSUED BY THE R1 DT. 12/4/2006.

EXT.P3. COPY OF THE FORM NO. 37 NOTICE ISSUED BY THE R1 DT. 5/5/2006.

EXT.P4. COPY OF THE PLAINT IN OS NO. 134/2006 OF THE SUB COURT, PALAKKAD DT. 24/3/2006.

EXT.P5. COPY OF THE IA NO. 924/2006 IN OS NO. 134/2006 OF THE SUB COURT, PALAKKAD DT. 24/3/2006.

EXT.P6. COPY OF THE COUNTER AFFIDAVIT TO EXT.P5 APPLICATION FILED BY THE PETITIONER DT. 09/10/2006.

[True Copy]

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K.BALAKRISHNAN NAIR, J.

WP(C).No.34305 of 2006-H

Dated this the 13th day of February, 2007.

JUDGMENT

The petitioner is a financier. It seized a vehicle, the registered owner of which is the second respondent. The said respondent defaulted to pay the amount due to the petitioner. The petitioner submits, without its consent the vehicle was transferred by the second respondent to the third respondent. The third respondent has filed O.S.134 of 2006 before the Sub Court, Palakkad claiming the amount paid by him to the second respondent. Finally, in view of the pendency of the said suit, the Registering Authority is not disposing of Ext.P1 application seeking issuance of fresh registration certificate. Hence, this writ petition seeking appropriate reliefs.

2. I heard the learned Government Pleader for the first respondent and also the learned counsel for respondents 2 and 3.

3. The first respondent is directed to consider and pass orders on Ext.P1, in accordance with law, after affording an opportunity of being heard to the petitioner, respondents 2 and 3, within one month from the date of receipt of a copy of this judgment. If there is any interim order in the afore-mentioned suit, needless to say, the first respondent shall pass orders only subject to the said order.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.